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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the eighth periodic report of Denmark

Addendum

Information provided by Denmark in follow-up to the concluding observations*

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Note: The present document is being circulated in English, French and Spanish only.

* The present document is being issued without formal editing.

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I. Response to recommendations contained in paragraph 18 (a)

A. Response from the Ministry of Justice

1. The Danish Act on Processing of Personal Data (Act No. 429 of 31 May 2000) generally regulates when personal data can be processed. The act establishes fundamental principles regarding the processing of personal data, inter alia, that such processing must be legitimate and proportional.

2. The conditions for processing, including registering, sensitive personal data, such as information about ethnicity, are more stringent than the conditions for processing non-sensitive personal data such as nationality, age and — depending on the specific circumstances — the relationship between the victim and the perpetrator.

3. In accordance with the conditions laid out in the act regarding the processing of data in general, non-sensitive personal data may be processed if it is necessary. Processing of sensitive personal data may not — as a general rule — take place. However, sensitive personal data may, inter alia, be processed by the police if it is necessary in order to solve tasks relating to criminal matters and in instances where the processing takes place for the sole purpose of carrying out statistical studies of significant public importance and where such processing is necessary in order to carry out these studies.

4. The Danish National Police conducts an annual national strategic analysis, the purpose of which is inter alia to describe the developmental trends currently seen in the field of crime. The analysis is based partly on the Danish National Police's own register data and partly on the data from the below mentioned crime victim survey (CVS). The analysis forms the basis for the development of the operational strategies and police professional priorities made by Danish police for the year to come. Among other things the analysis describes the relationship between victims and offenders in cases regarding sexual offences, violence and homicide.

5. It can also be mentioned that the Research Division in the Ministry of Justice in cooperation with the University of Copenhagen annually conducts a national crime victim survey (CVS). This survey includes questions on sexual violence (a measure of the prevalence of rape of women) and physical violence. The CVS also contains questions concerning the relationship between the victim and the offender, the victim's age, sex and national origin (Danish, immigrants and descendants). On the basis of the survey, a report is published annually. These reports are available at the website of the Ministry of Justice. The CVS is financed by the Ministry of Justice, the National Crime Preventive Council and the National Police.

6. It can further more be noted that Statistics Denmark provides statistics on victims of reported criminal offences by type of offence, age and sex. These statistics are available at Statistics Denmark's official website.

7. The data from Statistics Denmark can be combined with other types of register data. An example of this is an upcoming report from the Research and Documentation Division in the Ministry of Justice concerning the demographic and socioeconomic profile of female victims of different kinds of sexual offences.

B. Response from the Department of Gender Equality

8. The National Institute of Public Health has conducted nationwide population based health surveys (The Danish Health and Morbidity surveys) on violence in

intimate relationships in 2004, 2007 and 2010 based on a representative sample of 16-74 year old residents in Denmark (including non-citizens). In 2017, the National Institute of Public Health will begin the collection of new as well as updated and comparable data. The survey will provide data on physical violence, sexual violence and violent threats towards women and men disaggregated by age, gender, ethnicity, education, religion and relationship between the victim and the perpetrator. The data will be compared to previous survey results to analyse the historical development.

9. The data collection is not bound by legislation but is part of the Government's Action Plan on Measures to Combat Violence in the Family and in Intimate Relations adopted in 2014. The Government has allocated DKr 1 million for the survey which will be finished in 2018.

II. Response to recommendations contained in paragraph 18 (b)

A. Response from the Government of Greenland

10. Naalakkersuisut (the Government of Greenland) meets the Committee's recommendation (18 b) that the State Party is to further strengthen the quality and accessibility of protection measures, including restraining orders, for women who are victims of violence in Greenland.

11. Naalakkersuisut's Strategy and Action Plan against Violence 2014-2017 includes specific initiatives aiming at strengthening the efforts against violence. The Strategy and Action Plan against Violence has a specific focus on violence against women, including restraining orders.

12. In Naalakkersuisut's Strategy and Action Plan against Violence 2014-2017 it is stated that the Danish Act on Restraining Order, Ban on Residence and Eviction (Act No. 112 of 3 February 2012), adopted in the Folketinget (the Danish Parliament), should also apply in Greenland, though adjusted to Greenlandic conditions.

13. Inatsisartut (the Greenlandic Parliament) decided to adopt the Danish Act so that the Act in Restraining Order, Ban on Residence and Eviction from 2012.

14. Naalakkersuisut requested the Government of Denmark to put the Act into force by royal decree (see response to paragraph 18 (b) from the Ministry of Justice).

15. The royal decree is expected enter into force for Greenland on 1 April 2017 meaning that the Act also applies to Greenland.

16. By passing the Act, the Chief Police Constable in Greenland can decide whether a person can be prohibited to seek out, contact or stalk another person, by applying a restraining order. Furthermore, the Chief Police Constable can also decide to prohibit a person to stay in a limited area. Likewise it can be decided whether a person at the age of 18 years old or older can be prohibited to stay at home.

17. At an earlier stage, the Act makes it possible to intervene against the violence without the victim of violence and their children having to vacate their home. Restraining order and eviction also strengthen the social authorities' opportunity to solve social problems within the home.

18. It is also the intention that better statistics on violence against women can be generated as a result of the police's registration of restraining orders.

19. By adopting the Act, the quality and accessibility of protection measures, including restraining orders, for women who are victims of violence have been strengthened, as the Committee recommends.

20. Naalakkersuisut will follow up on the implementation of the Act with great interest, and, accordingly, consider whether there is a need for further action.

21. Naalakkersuisut is continuously aware of the importance of having specific actions and initiatives against violence, particularly against women.

B. Response from the Government of the Faroe Islands

22. The Faroese Government has taken different measures to improve the protection of victims of violence.

Legislation

23. Legislation, which aims to strengthen the protection measures and to set up clear rules for these measures, has been recently presented to the Løgting (the Faroese Parliament). The proposed legislation includes different provisions which aim to protect persons from violence, assault and harassment, including stalking. The proposed legislation gives authorization to expel an abusive person for a period of time from the home shared with the victim. It also proposes a clear set of rules regarding restraining orders and prohibition of residence.

24. The Government has also presented the Parliament with proposed amendment to the Criminal Code with special focus on the chapter regarding sexual offences. Rape, for example, will be extended to include other illegal coercion and abuse of a person in a helpless state or situation. The provision is to be extended to also include offences within marriage. The period of limitation is to be prolonged for certain sexual offences, and adoption and biological kinship will be given an equal basis in cases of incest.

Protection regarding sexual abuse

25. The National Plan to Prevent Violence in Relationships and Close Relations, adopted in 2011, includes physical, psychological, material, financial and sexual violence. In addition to this plan, the Government adopted a separate national plan in 2015, focusing on sexual abuse. Sexual abuse does not only happen in close relations but can occur anywhere in society.

26. The purpose of the National Plan to Prevent Sexual Abuse is to identify the actions needed to prevent and deal with sexual abuse. The National Plan to Prevent Sexual Abuse includes the following initiatives:

(a) Possibilities for free treatment for people experiencing the long-term effects of childhood sexual abuse;

(b) Possibilities for treatment for perpetrators of child sexual abuse;

(c) Public information (e.g. on the obligation to report);

(d) Awareness campaigns and informative material on online sexual assaults and Internet safety;

(e) Preparedness and safety measures in institutions including schools (What should employees do in case of a sexual abuse case);

(f) Initiatives aimed at people and organizations supervising children in their free time activities (scouts, sports, Sunday schools, etc.);

(g) Information and training for people with disabilities and their care-givers, regarding equal opportunities in asserting themselves and setting boundaries;

(h) Information for parents and children (How to protect children from sexual abuse and where to turn for help in case it happens).

C. Response from the Ministry of Justice

27. The Danish act on restraining orders can be put into force for Greenland by royal decree.

28. The Danish Ministry of Justice is in the process of issuing a royal decree that will put the act into force for Greenland. The royal decree is expected to enter into force on 1 April 2017.

29. Hereby, new rules will be introduced in Greenland that will further strengthen the protection of victims of inter alia harassment or violence.

30. With the new rules it will not only be possible to impose a restraining order on a person prohibiting contact to another person but also to prohibit a person from entering certain locations or to expel a person from his/her home.

III. Response to recommendations contained in paragraph 18 (c)

A. Response from the Ministry of Justice

31. Pursuant to Article 33 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised. It follows from paragraph 180 in the explanatory report to the Convention that "the extent of the offence is limited to intentional conduct which seriously impairs and damages a person's psychological integrity which can be done by various means and methods. The Convention does not define what is meant by serious impairment. Use must be made of coercion or threats for behavior to come under this provision".

32. Psychological violence as defined in Article 33 is criminalised in sections 245(2), 260 and 266 of the Criminal Code (Act No. 1052 of 4 July 2016).

33. Pursuant to section 245(2) of the Criminal Code, any person who harms the body or health of another person is liable for imprisonment for a term not exceeding six years. Harm to the health of another person includes psychological trauma of a certain degree of seriousness.

34. Pursuant to section 260 of the Criminal Code, any person who coerces someone to do, accept or fail to do something through the use of violence or threats of violence, of considerable damage to property, of deprivation of liberty, of making an incorrect allegation of a criminal or defamatory act, or of disclosing private details; or any person who coerces someone to do, accept or fail to do something through threats of reporting or disclosing a criminal act, or of making true defamatory accusations, and such coercion is considered not to be properly justified by the underlying cause of the threat, is liable for a fine or imprisonment for a term not exceeding two years.

35. Pursuant to section 266 of the Criminal Code, any person who threatens to commit a criminal act in a manner suited to create a serious fear in another person

for his or her own or other people's life, health or welfare is liable for a fine or imprisonment for a term not exceeding two years.

B. Response from the Department of Gender Equality

36. The Action Plan on Measures to Combat Violence in the Family and in Intimate Relations covers all kinds of violence including psychological violence, including recent initiatives like:

37. A national hotline for victims of violence provides counselling for victims of all forms of violence towards female and male victims, including psychological violence.

38. In 2016, the Government launched a support and treatment program for young people aged 15-18 years exposed to dating violence.

39. Annual school competitions, annual information and awareness raising days are organized in schools throughout the country to inform young people about psychological, physical and sexual violence in relationships.

40. In 2017, the Government will launch a national campaign to raise awareness about the consequences of psychological, physical or sexual violence in intimate relations. One of the main objectives of the campaign is to raise awareness that psychological violence is never acceptable.

41. In 2016, the Government launched a number of initiatives against stalking, including efforts to strengthen the police in stalking cases, to ensure that victims of stalking receive the utmost professional help and guidance as well as increase knowledge of stalking among professionals and the public. One initiative aims to allow for immediate protection of a victim of stalking and harassment by introducing a temporary restraining order which can be applied while a case regarding a restraining order or exclusion order is being processed. To this effect, amendments to the Restraining Order Act became effective from 1 January 2016. The Government is also establishing an advisory forum on stalking comprised of officials and experts in the field to exchange knowledge and experience and explore new technological solutions. Through the project *Free from stalking* that runs from 2016-2018 the Government is providing counselling and treatment for victims of stalking and their children and training for professionals dealing with stalking cases such as police officers, educators, social workers and health care professionals. In 2017, the Government will start a pilot project in which a municipality will develop action plans to improve rehabilitation of victims of stalking.

42. The Government recently launched a number of initiatives to counter online sexual abuse, including gender based harassment and bullying. The initiatives include prevention, punishment and help for victims. Online sexual abuse will be prevented through social media campaigns, new curricula in upper secondary schools and inspirational resources and a hotline for teachers and educational institutions. A number of initiatives aim to strengthen the efforts of the police and the prosecution in cases of online sexual abuse in order to ensure that victims receive appropriate help and guidance, and that perpetrators are prosecuted. Furthermore, the maximum penalty for invasion of privacy under aggravating circumstances will be increased from six months to two years.

43. Finally, a National Unit against Domestic Violence will be established in 2017. The scope of the unit will include psychological violence. The unit will receive DKr 36.4 million in funding during the period 2017-2020. The unit will be responsible for the national hotline as well as legal counselling for abused women and men. Furthermore, the unit will be responsible for collecting and disseminating

knowledge and best practices to relevant stakeholders working in the field of domestic violence. Finally, the unit will be responsible for establishing social networks for victims of domestic violence and their children. A psychologist will participate in each network.